

REMARKS

Favorable reconsideration of this application is respectfully requested in view of the following remarks.

At the outset, appreciation is expressed to Mr. Jackson and Ms. Bianco for their time and attention during the interview conducted at the U.S. Patent and Trademark Office on June 19, 2008. The remarks below discuss the substance of the interview.

Claim 9 and 14 are canceled by this Amendment. Accordingly, withdrawal of the claim rejection under the second paragraph of 35 U.S.C. § 112 is respectfully requested.

The discussion during the interview focused primarily on differences between the hemostatic device at issue here and the devices disclosed in U.S. Patent No. 5,569, 297 to Makower et al. and U.S. Patent No. 6,336,901 to Itonaga et al. The undersigned explained that in the hemostatic device at issue here, the balloon is positioned along the portion of the curved plate having a curved portion. More specifically, as recited in the independent claims, the balloon is provided at a position deviated to one end of the curved plate from a center portion of the curved plate in the lengthwise direction of the band, and the curved plate possesses a curved portion between the center portion and the one end of the curved plate. In other words, the balloon is positioned along a part of the curved plate between the center portion of the curved plate and one end of the curved plate, and this part of the curved plate also includes a curved portion. As discussed during the interview, the positioning of the balloon along a part of the curved plate at which the curved portion

exists helps facilitate directing the pressure applying force in the appropriate direction/manner.

As explained during the interview, the vascular compression device disclosed in Makower et al. is different. Fig. 3 of Makower et al. illustrates the force applying element 46 deviated toward one end of the member 40 from a center portion of the member 40. However, the part of the curved plate between the center portion and the end towards which the force applying element 46 is deviated does not include a curved portion. Stated differently, the force applying element 46 is located in a part of the shaped member 40 that is between the center portion of the shaped member 40 and one end of the member 40, but that part of the shaped member 40 does not include a curved portion. Thus, as the Examiner's recognized at the conclusion of the interview, independent Claims 1, 12 and 15 are patentably distinguishable over the disclosure in Makower et al. considered together with the disclosure in Itonaga et al. Accordingly, the independent claims are allowable over the applied references.

The undersigned also discussed a new independent claim during the interview. That new independent claim is presented as Claim 32 in this Amendment. This new independent claim is similar to independent Claim 12, though Claim 32 does not specify the connection of the balloon to the band by a connector. In addition, new independent Claim 32 defines that the flexible band which is adapted to be wrapped around the patient's limb is a substantially transparent band, and further recites that the curved plate is a substantially transparent curved plate. As explained during the interview, because the device at issue here is a hemostatic device for applying pressure to a portion of a patient's limb to stop bleeding, and the flexible band is adapted to be wrapped around the patients limb at the site where

bleeding is to be stopped, it is desirable for both the flexible band and the curved plate to be substantially transparent. This allows the site at which bleeding is to be stopped to be viewed by the user so that the hemostatic device can be properly used.

New independent Claim 32 is allowable for reasons similar to those discussed above. That is, Claim 32 recites that the balloon is provided on the inner peripheral side of the curved plate at a position deviated to one end of the plate from a center portion of the plate, and further recites that the curved plate possesses a curved portion between the center portion and the one end of the curved plate.

In addition, as discussed during the interview, Makower et al. does not disclose that the strap 42 should be made substantially transparent. Nor is there any reason to make the strap in Makower et al.'s device substantially transparent. In one respect, Makower et al.'s strap 42 is rather narrow and so it is not necessary for the strap to be transparent. Perhaps more importantly though, Fig. 3 of Makower et al. shows that the strap 42 is specifically configured to extend along only a small limited circumferential extent, specifically on the opposite side of the limb where pressure is applied, and so the strap 42 does not interfere with any visual observation one might wish to undertake.

Further, the disclosure in Itonaga et al. provides no instructive guidance on this point. Indeed, the Itonaga et al. disclosure specifically pertains to a sphygmomanometer cuff. As such, there is no need for transparency because this sphygmomanometer cuff is not used to stop bleeding at a site on a patients limb. Rather, the sphygmomanometer cuff is simply used to measure blood pressure.

For at least the reasons discussed above, it is respectfully submitted that a combination of the disclosures in Makower and Itonaga et al. would not have directed one to do that which is defined in independent Claim 32 as the invention. Accordingly, Claim 32 is also allowable.

During the interview, the undersigned and the Examiners also discussed the fact that the wording in the independent claims, though defining that the balloon is positioned at a part of the curved plate having a curved portion, do not necessarily require that the curved portion overlie/overlap the balloon. That is, the language in the independent claims does not specify that the position of the balloon relative to the lengthwise direction of the curved plate is coincident with location of the curved portion. Thus, presented in this Amendment are new dependent claims defining that the curved portion of the curved plate overlies the balloon. Fig. 2 of the present application illustrates the curved portion of the plate overlying the balloon.

As a part of the interview discussion concerning this additional distinction, it was recognized that the language selected should not require contact between the curved portion of the curved plate and the balloon since such contact is not required. The language in the new dependent claims defining that the curved portion of the curved plate overlies the balloon is accurate as such language does not necessarily require that the curved portion of the curved plate contacts the balloon. Claims 29-31 and 33 further distinguish over the cited references.

Early and favorable action with respect to this application is respectfully requested.

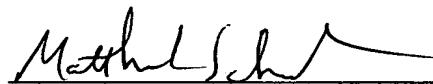
Should any questions arise in connection with this application or should the Examiner believe that a telephone conference with the undersigned would be helpful

in resolving any remaining issues pertaining to this application the undersigned respectfully requests that he be contacted at the number indicated below.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: June 27, 2008

By: 
Matthew L. Schneider
Registration No. 32814

P.O. Box 1404
Alexandria, VA 22313-1404
703 836 6620